

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARY D. WILSON,
Plaintiff,

v.

STATE OF MONTANA, et al.,
Defendants.

Case No. 18-cv-07231-HSG


ORDER OF DISMISSAL

On November 21, 2018, Plaintiff filed a complaint against Defendants the State of Montana, the Montana Department of Labor and Industry, and Steve Bullock, governor of Montana. To date, Plaintiff has not served Defendants. Plaintiff also failed to appear at the Case Management Conference on April 2, 2019. On April 3, 2019, the Court issued an order to show cause why the Court should not dismiss this action under Federal Rule of Civil Procedure 4(m) for failure to serve Defendants within 90 days after the complaint was filed. Dkt. No. 17. In the order, the Court informed Plaintiff that failure to respond by April 19, 2019 would result in dismissal of this action without prejudice. *Id.* Plaintiff again did not respond to the Court's order.

Plaintiff has failed to serve Defendants, appear at the Case Management Conference, respond to the Court's order to show cause, or otherwise participate in this litigation. The Court finds that Plaintiff has demonstrated that she is unable or unwilling to adequately prosecute this case. Accordingly, the Court **DISMISSES** this action **WITHOUT PREJUDICE** under Rule 4(m) for failure to serve Defendants and Rule 41(b) for failure to prosecute. The clerk shall close the file.

IT IS SO ORDERED.

Dated: 5/8/2019


HAYWOOD S. GILLIAM, JR.
United States District Judge